

REMARKS

I. Claim Objections

In the Office Action dated September 22, 2004, the Examiner objected to claim 3, arguing that claim 3 states the same information as claim 2. The Examiner asserted that claim 3 should be removed and the appropriate renumbering of claims and dependencies of claims must be addressed. The Examiner indicated that appropriate correction was required.

The Applicants have amended claim 3 as indicated herein so that claim 3 no longer contains the same information as claim 2. Amended claim 3 is now directed toward the step of providing the at least one handheld device as a hand held device adapted for use with a module that contains electronics to allow the at least one hand held to receive the venue-based data. Applicants believe that support for such an amendment is adequately contained in Applicants' specification. For example, refer to page 20, lines 17-26 and FIGS. 3-4, which describes and illustrates that the hand held device 60 of may be adapted for use with a cartridge/module such as module 50 depicted in FIG. 3.

Applicants therefore submit that because amended claim 3 does not contain the same information as claim 2, the foregoing objection to claim 3 and claims 29, 31, 37 and 39 have been traversed. Applicants respectfully request withdrawal of the aforementioned objections.

The Examiner additionally indicated that claims 29, 31, 37 and 39 were "objected to because the claim numbers dependent upon the amended claim numbering must be corrected to correspond to the amended claim numbering." The Examiner indicated that appropriate correction was required. Applicants

Reviewed the claims 29, 31, and 37, but were unable to determine what was being objected to by the Examiner. Furthermore, the application was filed with only 38 claims. Claim 39 does not exist in the application. Therefore, Applicants were unable to amend the correct claims to overcome the objection. Claims 29, 31 and 37 were, however, amended for other reasons as will be described below. Applicants believe they have addressed the objection.

II. Claim Rejections – 35 USC § 102

Claims 1-4, 6-13, 18-23, 26-29, 32, 36 and 38 were rejected under 35 USC § 102(e) as being anticipated by Anderson, Jr. et al., hereinafter "Anderson" (U.S. Patent No. 6,578,203).

Technical Analysis of Anderson

Anderson is the primary reference used within the 35 U.S.C. §102 and 35 U.S.C. §103 rejections rendered by the Office in the Office action for which this communication is written in reply.

Anderson describes a head mounted display (HMD) unit for his preferred embodiment (see column 5, lines 22, 31), a unit which is similar to binoculars in shape, form and use. Anderson is limited because, although his head mounted display can receive "video signal(s)", it can only display one video signal at a time on the screen associated with his head mounted display. Anderson is capable of receiving several analog video and audio signals within his head mounted display (see column 5, lines 5-9); however, the head mounted display can only be controlled to render one set of audio and video signals (meaning one video and one audio signal selected from more than one video and more than one audio signal) at a time for the user. A user selects a new set of one audio and one video signal for rendering at the head mounted display by using buttons or switches located on the head mounted display (column 5, lines 39-44). There is no discussion in Anderson

about simultaneous display of more than one video signal at a time on a hand held display. There is no discussion in Anderson about removable modules including multiple tuners or decryption electronics, touch sensitive displays used to select from more than one simultaneous video displayed on a screen.

Requirements for Prima Facie Anticipation

A general definition of *prima facie* unpatentability is provided at 37 C.F.R. §1.56(b)(2)(ii):

A *prima facie* case of unpatentability is established when the information *compels a conclusion* that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (*emphasis added*)

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)), *cert. denied*, 469 U.S. 851 (1984). Thus, to anticipate the Applicants' claims, the cited reference must disclose each element recited therein. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

To overcome the anticipation rejection, the Applicants need only demonstrate that not all elements of a *prima facie* case of anticipation have been met, *i. e.*, show that the cited references fail to disclose every element in each of the Applicants' claims. "If the examination at the initial state does not produce a *prima facie* case

of unpatentability, then without more the Applicants are entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

The Examiner explains that Anderson teaches a device that has at least one video and audio signal received by an interfacing device (i.e., citing column 3, lines 8-10 of Anderson) – the interfacing device referred to by examiner being none other than a head mounted display (HMD). In fact the Examiner explains that the receiver is taught by a "head mounted display system" that includes a display screen and a speaker. Anderson discloses that each of the received video signals can show the event at a venue in a different perspective (i.e., citing column 3, lines 10-15 of Anderson). Anderson teaches combining one audio and one video signal together to make a single signal received by the viewer of the event (i.e., citing column 4, lines 31-46 of Anderson). Anderson teaches the use of a wireless transmitter to transmit the combined signal to the receivers (i.e., citing column 4, lines 46-54 of Anderson). But Anderson only teaches the system and ability to display one video signal at a time on the HMD. Only a set of signals, one audio and one video, can be played by the HMD at a time.

Anderson does not teach, disclose or suggest a "hand held device" as claimed by Applicants. Applicants' device is intended to be held in one's hand during its use and during viewing of video content thereon. Applicants do not benefit from head mounted operation of their device. Such a device is cumbersome to the user; whereas, a hand held device can be viewed by a user while the user can still peripherally view the live event. Anderson only discloses and teaches specifics regarding a "head mounted display" capable of receiving and rendering a video/audio signal pair. A head mounted display is not a hand held device as taught by Applicants' invention. That is, a hand held device is a device held in someone's hands (e.g., a cell phone or PDA) rather than mounted on or supported against someone's head, such as, for example, glasses or binocular type devices.

Column 5, lines 22-37 of Anderson specifically refers to the preferred embodiment of a receiver as a head mounted display (HMD) 104, which is essentially a binocular type device. Anderson specifically teaches away from a hand held device such as a Personal Digital Assistant (PDA), cell phone, hand held television and the like. In support of the preferred embodiment of Anderson, reference is made at column 5, lines 27-28 of U.S. Patent No. 5,844,656 entitled "Head Mounted Display with Adjustment Components".

Anderson incorporates by reference the limitations of U.S. Patent No. 5,844,656. Applicants note that U.S. Patent No. 5,844,656 also does not teach a hand held device (i.e., PDA, cell phone etc.), but instead refers to a head mounted device. FIG. 4 of Anderson does not show a hand held device, but instead teaches a head mounted display 104 with a display device 101 and a speaker 103. No mention is made by Anderson of hand held devices, such as, PDA's, cellular telephones, hand held televisions and the like.

A device, which is "head mounted", suggests a device other than a "hand held" device. The difference between a device that is head mounted and a device that is hand held is great indeed and not merely a trivial distinction during operation. Thus, it is clear that Anderson does not teach or suggest a hand held device, but instead describes a receiver, which is a head mounted device. Anderson therefore does not refer to a device which is hand held.

Applicants, on the other hand, specifically teach, claim and disclose various hand held devices, which can be, for example, a Personal Digital Assistant (PDA), cellular telephone, paging device, hand held television, and so forth. Applicants "hand held" device is thus a hand held device. For example, Applicants' FIGS. 1-9 clearly illustrate a hand held device.

Applicants' independent claims 1, 18, 19, 20 and 21 have been amended to specifically teach operation of systems and method within a venue with wireless

hand held devices adapted to simultaneously display more than one video image at a time on the display associated with the hand held devices. The use of hand held devices in general, and of hand held devices capable of displaying more than one video image at a time on a single display screen, are not taught, suggested or disclosed by *Anderson*. Applicants submit that the aforementioned portions or sections of *Anderson* cited by the Examiner in support of the rejection to claims 1-4, 6-13, 18-23, 26-29, 32, 36 and 38 under 35 U.S.C. § 102 do not provide a basis of anticipation by *Anderson*, or a basis that *Anderson* teaches and/or discloses a hand held device (e.g., a digital hand held computing device such as a PDA) of the type taught by Applicants' invention, which is adapted for simultaneous video display.

Regarding claim 3, Applicants note that amended claim 3 teaches the step of providing the at least one hand held device as a hand held device adapted for use with a module that contains electronics to allow the at least one hand held to receive the venue-based data and display the venue-based data utilizing the display screen. Applicants specifically teach such a module at page 17, lines 1-24. Applicants' module can be removed from the hand held device (i.e., a smart card). Applicants' module can provide codes for decrypting signals received by hand held devices, or the module can provide electronic for simultaneously receiving multiple signals. Such a module is not taught or suggested by *Anderson*.

In order to succeed in a rejection to a claim(s) under 35 U.S.C. § 102, the cited reference (in this case, *Anderson*) must show every limitation and element of the rejected claim as taught by Applicants' specification. If even one element is lacking in the cited reference, the rejection must be withdrawn. In this case, *Anderson* does not show every limitation of Applicants' claims 1-4, 6-13, 18-23, 26-29, 32, 36 and 38. For example, *Anderson* does not anticipate a hand held device of the type taught by Applicants' claims 1-4, 6-13, 18-23, 26-29, 32, 36 and 38.

As indicated above, with respect to the requirements for prima facie anticipation, if the examination does not produce a prima face case of

unpatentability, then without more the Applicants are entitled to grant of the patent. Applicants thus submit that the rejection to claims 1-4, 6-13, 18-23, 26-29, 32, 36 and 38 under 35 U.S.C. § 102 based on the *Anderson* reference does not satisfy the aforementioned *prima facie* anticipation test and is therefore traversed. Applicants respectfully request withdrawal of the rejection to claims 1-4, 6-13, 18-23, 26-29, 32, 36 and 38 35 under U.S.C. § 102.

III. Claim Rejections – 35 USC § 103

Requirements for Prima Facie Obviousness

The obligation of the Examiner to go forward and produce reasoning and evidence in support of obviousness under 35 U.S.C. §103 is clearly defined at M.P.E.P. §2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness under 35 U.S.C. §103 by the examiner (assuming there are no objections or other grounds for rejection), an Applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, in order to support an obviousness rejection under 35 U.S.C. §103, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met. If the Examiner fails to produce such a conclusion for each of the aforementioned criteria, the rejection must be withdrawn.

Anderson in view of Hendricks

The Examiner rejected claims 5, 14, 16, 17, 24, 34 and 35 under 35 USC § 103(a) as being unpatentable over Anderson in view of Hendricks et al, "Hendricks" (U.S. Patent No. 6,675,386). Applicants note that the arguments presented above with respect to the rejection under 35 U.S.C. § 102 of claims 1-4, 6-13, 18-23, 26-29, 32, 36 and 38, and in particular independent claims 1, 18, 19, 20 and 21 (as amended), apply equally to the aforementioned rejection to claims 5, 14, 16, 17, 24, 34 and 35 under 35 USC § 103(a).

Regarding claims 5 (ultimately dependent on independent claim1) and 25 (ultimately dependent on independent claim 21), the Examiner admitted that Anderson fails to teach a camera that takes wide-angle video data, but argued that Henderson does (citing column 11, lines 13-21 of Henderson). The Examiner asserted that because the wide angle lens just gives you a wider viewing scene of an event it would have been obvious to one of ordinary skill to make at least one of their cameras at an event a wide angle camera in order to capture a wider viewing range.

The Examiner argued that the high-resolution part of the wide-angle video data would be a minor upgrade to the video camera and would only require one to spend the additional money for the high-resolution camera. The Examiner

therefore argued that it would be obvious to one of ordinary skill to have high-resolution wide-angle video data as opposed to just wide-angle video data.

The Applicants respectfully submit that neither Anderson nor Hendricks teaches, discloses or suggests a hand held device of the type taught by claims 1 and 21, which are the respective independent claims for claims 5 and 25. Thus, it will not be improper to combine two references (Anderson and Hendricks), which do not teach a hand held device as taught by Applicants' claims 1 and 21. Regarding the teaching of a camera that takes wide-angle video data, Applicants note that Hendricks teaches a device for communicating live video feeds over the Internet, but does not teach viewing of such live feeds through a hand held device as taught by Applicants' invention. Hendricks also does not teach transmission of venue-based data to a hand held device located within a venue. Because Anderson does not teach a hand held device as taught by Applicants' claims, it is improper to combine Hendricks with a reference (Anderson) that does not teach a hand held device, regardless of any teaching of wide-angle video data by Hendricks.

Applicants assert that Examiner can not provide evidence, based on the Anderson and Hendricks references themselves, which provides some suggestion or motivation for modifying Anderson and Hendricks to produce all of the limitations of Applicant's claim 1 and 5, and 21 and 25, including the use of a hand held device adapted for simultaneous display of more than one video signal, as taught by Applicants' invention. Thus, Applicants submit that the Examiner cannot produce an adequate explanation, which will satisfy the first prong of the prima facie obviousness test discussed earlier herein given the amended claims 1 and 21.

The Examiner can not provided evidence satisfactorily explaining why a reasonable expectation of success would exist for combining the Anderson and Hendricks references to teach all of the limitations of Applicants' claims 5 and 25, thereby satisfying the second prong of the aforementioned prima facie obviousness test. Simply put, neither Anderson nor Hendricks teaches the use of a hand held

device as taught by Applicants' claims and specification. Why would a reasonable expectation of success accrue from combining the features of Anderson and Hendricks, when neither reference teaches a hand held device as taught by Applicants' invention? Thus, Applicants submit that the Examiner has failed to produce an adequate showing which satisfies the second prong of the prima facie obviousness test discussed earlier herein.

Based on the foregoing arguments, the Applicants submit that claims 5 and 25 are not taught or suggested by Anderson and/or Hendricks, alone or in combination with one another. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements and limitations of Applicants' claims 5 and 25, which are ultimately dependent on claims 1 and 21, respectively. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Anderson and/or Hendricks. Withdrawal of the 35 USC §103 rejections to claims 5 and 25 is therefore respectfully requested.

Based on the foregoing, the Applicant believes that the rejection to claims 5 and 25 under 35 USC § 103(a) has been traversed. The Applicants therefore respectfully request withdrawal of this rejection.

Regarding claims 16, 17, 34 and 35, The Examiner admitted that Anderson fails to include advertisements and promotional information in his device, but argued that Hendricks does (i.e., citing columns 16, lines 37-43 and FIG. 12 of Hendricks). Applicants submit that the arguments presented above with respect to the aforementioned rejection to claims 5 and 25 apply equally to the rejection to claims 16, 17, 34. Claims 16 and 17 ultimately depend on claim 1, and claim 34 ultimately depends on claim 21.

With respect to claim 35, it has been amended to describe that "data packets" are being processed and transmitted by Applicants system. Anderson does not teach the processing of data packets, or the transmission of data packets. Anderson's system is limited to analog signal transmission.

The Examiner asserted that because one would be able to include advertisements and promotional information to viewers very easily if they were broadcasting their signal over a wireless communication network to many viewers, it would be obvious to one of ordinary skill to add these advertisements to many viewers. The Examiner asserted that it would be obvious to one of ordinary skill to add these advertisements or promotional information if one wanted to disrupt the broadcast of their event to advertise their product or anything else of the case.

Again, the Applicants point out that neither Hendricks nor Anderson teach, disclose or suggest a hand held device of the type taught by Applicants' invention. Hendricks does not teach a hand held device. Hendricks does not teach the ability to simultaneously display more than one video signal on a display. Applicants assert that the Examiner's arguments presented above with respect to claims 16, 17, 34 and 35 are rendered moot in light of the fact that neither Hendricks nor Anderson teach a hand held device as taught by Applicants' invention and for use in a venue as taught by Applicants' claims 16, 17, 34 and 35 (and claims 1 and 21). Applicants therefore submit that the rejection to claims 16, 17, 34 and 35 has been traversed. Withdrawal of the rejection to claims 16, 17, 34 and 35 is therefore respectfully requested.

Regarding claim 14, the Examiner argued that the use of the portable device taught by Anderson is to be used while attending an event. The Examiner admitted that Anderson fails to specifically teach that the combined signal sent to the receiver is of real time data, but argued that Hendricks does (citing column 9, lines 24-30). The Examiner argued that because a real time image would be necessary if you were attending the event of the video image you are receiving, it would have

been obvious to one of ordinary skill to have the signal be real time data so that the user at the event can view the image as it is happening.

Applicants submit that the arguments presented above with respect to the aforementioned rejection to claim 5 apply equally to the rejection to claim 14. Neither Hendricks nor Anderson teach, disclose or suggest a hand held device of the type taught by Applicants' invention, and in particular a hand held device capable of displaying more than one video signal at a time on a single display. Applicants note that Hendricks does not teach a hand held device such as a PDA, cellular telephone, and the like. Applicants assert that the Examiner's arguments presented above with respect to claim 14 are rendered moot in light of the fact that neither Hendricks nor Anderson teach a hand held device as taught by Applicants' invention and for use in a venue as taught by Applicants' claim 14, and ultimately claim 1. Applicants therefore submit that the rejection to claim 14 has been traversed. Withdrawal of the rejection to claim 14 is therefore respectfully requested.

Anderson in view of Jain

Claims 15 and 33 were rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Anderson in view of Jain et al, "Jain" (U.S. Patent No. 5,729,471). The Examiner admitted that Anderson fails to teach an instant replay option for the users of his device, but argued that Jain does (citing column 18, lines 61-65 of Jain). The Examiner asserted that because the instant replay is a minor change in the options menu, a user could have to view the information that was has already taken place at a later time, and thus it would have been obvious to one of ordinary skill to add the instant replay option to their display.

Applicants believe that the Examiner meant to refer to claim 32, rather than claim 33. Claim 32 refers to instant replays. Applicants will assume the rejection was mistakenly written to describe claim 33 as claiming instant replay information.

The Applicants respectfully disagree with the rejection of claims 15 and 32. Applicants' claims 15 and 32 describe the use of a hand held device, especially when read with respect to independent claims 1 and 21. As indicated earlier, Anderson does not teach, disclose or suggest the use of a hand held device as taught by Applicants' invention. Anderson teaches instead the use of a head mounted display. Jain also does not describe the use of a hand held device as taught by Applicants' invention.

Thus, neither Anderson nor Jain teaches, discloses or suggests a hand held device of the type taught by Applicants' claims 15 and 32. Thus, it would be improper to combine two references (Anderson and Jain), which do not teach a hand held device as taught by Applicants' claims 15 and 32. Because Anderson does not teach a hand held device as taught by Applicants' claims, it will be improper to combine Jain with a reference (Anderson) that does not teach a hand held device, regardless of any teaching of instant replay data by Jain. In addition, Applicants note that Jain teaches away from a hand held device and instead teaches the use of a desktop computer or workstation. For example, FIG. 4 of Jain illustrates a workstation. Similarly, FIG. 11b of Jain also depicts a workstation. The use of a workstation defeats the purpose a hand held device, namely ease of use and portability. Thus, it is improper to combine the Jain reference, which teaches away from a hand held device with Anderson, in order to argue that Anderson in view of Jain teaches claims 15 and 32.

Applicants assert that the Examiner has not provided evidence, based on the Anderson and Jain references themselves, which provides some suggestion or motivation for modifying Anderson and Jain to produce all of the limitations of Applicants' claim 15 and 32, including the use of a hand held device as taught by Applicants' invention in dependent claims 1 and 21. Thus, the Applicants submit that the Anderson and Jain references fail to satisfy the first prong of the prima facie obviousness test discussed earlier herein, particularly in light of the fact that

Jain does not teach a hand held device, and further teaches away from the use of a hand held device.

The Examiner can not provide evidence through Anderson and Jain to satisfactorily explain why a reasonable expectation of success would exist for combining these references to teach all of the limitations of Applicants' claims 15 and 32, thereby satisfying the second prong of the aforementioned prima facie obviousness test. Simply put, neither Anderson nor Jain teaches the use of a hand held device as taught by Applicants' claims 1 and 21 and specification. Thus, Applicants submit that the Examiner has failed to produce an adequate showing which satisfies the second prong of the prima facie obviousness test discussed earlier herein.

Additionally, the Applicants note that the Examiner will not be able to provide a sufficient reason using Anderson with Jain to explain why one skilled in the art would have been motivated to design a device that includes all of the features taught by Applicants' claims and specification. The Applicants remind the Examiner that the references may not be taken out of context and combined without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. Claims 15 and 32 have been rejected under 35 U.S.C. 103 and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed.

Based on the foregoing arguments, the Applicants submit that claims 15 and 32 are not taught or suggested by Anderson and/or Jain, alone or in combination with one another. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements and limitations of Applicants' claims 15 and 32. Further, one of skill in the

art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Anderson and/or Jain. Withdrawal of the 35 USC §103 rejections to claims 15 and 32 is therefore respectfully requested.

Based on the foregoing, the Applicants believe that the rejection to claims 15 and 32 under 35 USC § 103(a) has been traversed. The Applicants therefore respectfully request withdrawal of this rejection.

Anderson in view of McClintock

Claim 25 was rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Anderson in view of McClintock et al, "McClintock" (U.S. Patent No. 5,598,208). The Examiner admitted that McClintock fails to teach the use of at least one wireless video camera in his device, but argued that McClintock does (citing column 5, lines 9-14 of McClintock). The Examiner asserted that because the use of a wireless video camera performs the same as another camera with wires, it would be obvious to one of ordinary skill to use a wireless camera in an event where a wireless camera is the only option available.

Applicants' claim 25 ultimately depends on claim 21, which describes the use of a hand held device. As indicated earlier, Anderson does not teach, disclose or suggest the use of a hand held device as taught by Applicants' in claim 21, especially as amended to account for simultaneous display of video signals. Anderson teaches instead the use of a head mounted display. McClintock also does not describe the use of a wireless hand held device as taught by Applicants' invention. Instead, McClintock teaches a device 44, which McClintock describes as a video walkman-type product 44, rather than an electronic digital hand held device such as a Personal Digital Assistant, cellular telephone and the like. The video walkman-type product 44 of McClintock is not a digital computer device, such as a PDA and/or cellular telephone or "smart phone", but is instead an analog based

device. Applicants note that product 44 of McClintock is also not wireless but is connectable via a wire.

Thus, neither Anderson nor McClintock teaches, discloses or suggests a hand held device of the type taught by Applicants' claim 25. Thus, it would be improper to combine two references (Anderson and McClintock), which do not teach a hand held device as taught by Applicants' claim 25. Because Anderson does not teach a hand held device as taught by Applicants' claims, it is improper to combine McClintock with a reference (Anderson) that does not teach a hand held device, regardless of any teaching of a wireless camera by McClintock.

Applicants assert that Examiner can not provided evidence, based on the Anderson and McClintock references themselves, which provides some suggestion or motivation for modifying Anderson and McClintock to produce all of the limitations of Applicants' claim 25, including the use of a hand held device as taught by Applicants' in claim 21. Thus, Applicants submit that the Examiner has failed to produce an adequate explanation which satisfies the first prong of the prima facie obviousness test discussed earlier herein. Additionally, the Applicants note that the Examiner can not now provide a sufficient reason explaining why one skilled in the art would have been motivated to design a device that includes all of the features taught by Applicants' claims and specification.

Based on the foregoing arguments, the Applicants submit that all of the limitations of amended claim 25 are not taught or suggested by Anderson and/or McClintock, alone or in combination with one another. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements and limitations of Applicants' claim 25. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Anderson and/or McClintock. Withdrawal of the 35 USC §103 rejections to claim 25 is therefore respectfully requested.

Based on the foregoing, the Applicants believe that the rejection to claim 25 under 35 USC § 103(a) has been traversed. The Applicants therefore respectfully request withdrawal of this rejection.

Anderson in view of Blanchard

Claims 30, 31, 37 and 39 were rejected under 35 USC § 103(a) as being unpatentable over Anderson in view of Blanchard et al, "Blanchard" (U.S. Patent No. 6,782,102). As discussed above with regard to the objection of claims 39, the application was only filed with 38 claims. Applicants believe that referral to claim 39 was a mistake and will provide not further reply. With regards to claims 30, 31 and 37, however, the Examiner admitted that Anderson fails to teach a security system in his device to be used over the transmission of his signals that includes an encryption module that encrypts his data prior to transmission, but argued that Blanchard does (citing column 2, lines 9-22 of Blanchard). The Examiner argued that Blanchard shows that it is common and well known to use the encryption algorithm. The Examiner asserted that because the encryption and security device are used to apply additional security so that it is more difficult to others to view the information you are transmitting, it would have been obvious to one of ordinary skill to apply a security method that uses an encryption algorithm to secure the data being transmitted.

The Applicants respectfully disagree with this assessment. Applicants' claims 30 and 31 which depend on claim 21, and 37 ultimately describe the use of a hand held device. As indicated earlier, Anderson does not teach, disclose or suggest the use of a hand held device as taught by Applicants' invention. Anderson teaches instead the use of a head mounted display. Blanchard also does not describe the use of a hand held device as taught by Applicants' invention.

Thus, neither Anderson nor Blanchard teaches, discloses or suggests a hand held device of the type taught by Applicants' claims 30, 31, and 37. Thus, it would be improper to combine two references (Anderson and Blanchard), which do not teach a hand held device as taught by Applicants' claims 30, 31, and 37. Because Anderson does not teach a hand held device as taught by Applicants' claims, it is improper to combine Blanchard with a reference (Anderson) that does not teach a hand held device, regardless of any teaching of security by Blanchard.

Applicants asserts that Examiner has not provided evidence, based on the Anderson and Blanchard references themselves, which provides some suggestion or motivation for modifying Anderson and Blanchard to produce all of the limitations of Applicants' claims 30, 31, and 37, including the use of a hand held device as taught by Applicants' invention. Thus, Applicants submit that the Examiner has failed to produce an adequate explanation which satisfies the first prong of the prima facie obviousness test discussed earlier herein.

With respect to independent claim 37, a server is used for processing data and a wireless gateway for transmitting the data to hand held devices. Neither Anderson or Blanchard, alone or in combination, teach a server or wireless gateway for transmitting more than one video perspective to hand held devices.

The Examiner has also not provided evidence satisfactorily explaining why a reasonable expectation of success would exist for combining the Anderson and Blanchard references to teach all of the limitations of Applicants' claims 30, 31 and 37, thereby satisfying the second prong of the aforementioned prima facie obviousness test. Simply put, neither Anderson nor Blanchard teaches the use of a hand held device as taught by Applicants' claims and specification. Additionally, the Applicants note that the Examiner has not provided a sufficient reason explaining why one skilled in the art would have been motivated to design a device that includes all of the features taught by Applicants' claims and specification, including a

hand held device (i.e., a device held in someone's hands rather than mounted on someone's head).

Based on the foregoing arguments, the Applicants submit that all of the limitations of claims 30, 31, and 37 are not taught or suggested by Anderson and/or Blanchard, alone or in combination with one another. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements and limitations of Applicants' claims 30, 31 and 39. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Anderson and/or Blanchard. Applicants submit that the Examiner's argument that Blanchard teaches encryption is rendered moot in light of the Examiner's failure to produce evidence satisfying all three prongs of the aforementioned prima facie obviousness test. Withdrawal of the 35 USC §103 rejections to claims 30, 31 and 39 is therefore respectfully requested.

Based on the foregoing, the Applicants believe that the rejection to claims 30, 31 and 39 under 35 USC § 103(a) has been traversed. The Applicants therefore respectfully request withdrawal of this rejection.

IV. New Claims.

Applicants have added new claims 39-56, including three new independent claims, for examination. Applicants respectfully request consideration of these new claims in light of the remarks present above. Applicants believe new claims 39-56 contain allowable subject matter given their evaluation of the art of record. An Amendment Transmittal Letter is being submitted together with a check for \$294.00 to cover the additional fees associated with new claims 39-56. Following this amendment, claims 1-56 now remain pending in the application.

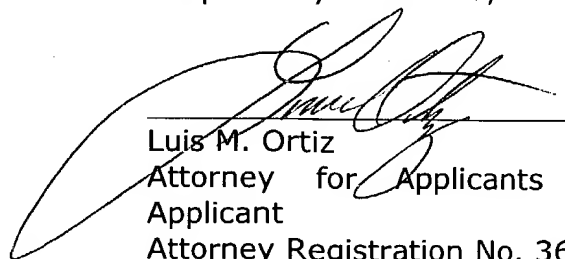
V. Conclusion

The Applicants have amended the claim to more particularly disclose the invention claimed thereof. It is believed that such amendments do not constitute new matter, but are rather clarifying in nature. Additionally, it is believed that support for such amendments is provided within the specification, including the drawings, and that the specification adequately enables such amendments. Applicants have also added new claims 39-56 for examination. In view of the foregoing discussion, the Applicants have responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call the Applicants' attorney at the below-indicated telephone number.

Respectfully submitted,

Dated: November 30, 2004



Luis M. Ortiz
Attorney for Applicants and Co-
Applicant
Attorney Registration No. 36,230
Telephone: (505) 314-1312
E-mail: lortiz@olpatentlaw.com